

### **REMARKS**

The present Amendment is in response to the Office Action dated July 5, 2005 in reference to the above-identified application. The Examiner set a shortened statutory period for reply of three (3) months, making the present Amendment due by October 5, 2005. Filed concurrently herewith is a request for a three-month extension of time so that the present Amendment is due by January 5, 2006.

In that Office Action, claims 1-37 were presented. Of these, applicant notes that claims 1-5 are rejected while claims 6 and 7 are objected to, and claims 8-25 are withdrawn from consideration. Applicant notes, also that claims 26-37 were also withdrawn as to a non-elected species subject to being reinstated upon that allowance of a generic linking claim.

Applicant notes with appreciation the Examiner's indication that claims 6 and 7 contains allowable subject matter if rewritten in independent form including all of the limitations of the base claim and intervening claims.

First, Applicant calls the attention of the Examiner to a typographical error that appears in dependent claim 3, namely that claim 3 is dependent on claim 4. It was intended that original claim 3 be dependent on claim 1. Accordingly, this correction has been made to claim 3.

Turning to the substantive rejections, claims 1, 2 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,055,948 by Kraus et al. Claims 1 and 2 were also rejected as being anticipated by U.S. Patent No. 4,977,744 by Lenz under 35 U.S.C. 102(b). Finally, Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,668,555 B1 by Moriarity.

Turning first to the rejection of claims 1, 2 and 5 as being anticipated under 35 U.S.C. 102(b) by Kraus '948, the Applicant feels that claim 5 is not anticipated by

Kraus '948 in that a fluidic pressurization tank **30** with pressurized gas **41** does not anticipate the recitation in claim 5 of --a thermal fluid reservoir that can be selectively placed in communication with said solar array and with said heat exchanger, said thermal fluid reservoir selectively operable to store said fluid therein.-- As to the tank **30** in Kraus '948, this reference states:

"To prevent that circulating heat-transfer fluidic compound from flushing [sic—flashing] instantaneously into either steam or vapor when exposed to such extraordinarily high temperatures, as can be achieved through the focusing and concentrating of solar thermal radiant energy, the entire primary heating loop **28** (Fig. 4) is pressurized statically by an inert gas **41** within the closed system's expansion tank **30** at a substantially higher pressure than that of the corresponding temperature-pressure for that specific heat-transfer fluid at that achieved temperature." Kraus '948, col. 6, lines 37-46

Thus, Kraus '948 teaches teaching a means for preventing the flashing (not flushing as indicated in Kraus '948) by imposing a higher pressure on the system through the use of pressurizing gas from the expansion tank **30**, i.e. a means for controlling the pressure with this gas. Kraus respectfully does not appear to teach in the quoted paragraph a thermal fluid reservoir for storage of transfer fluid. Therefore claim 1 has been amended to include claim 5, and claim 5 has been cancelled. With this amendment claims 1 and 2 are no longer anticipated by Kraus '948.

Examiner has rejected claims 1 and 2 as being anticipated by U.S. Patent No. 4,977,744 by Lenz. under 35 U.S.C. 102(b). With the aforementioned amendment of claim 5 into claim 1 Lenz '744 no longer anticipates the present invention.

The Examiner has also rejected claims 1-5 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,668,555 to Moriarity. The Applicant respectfully disagrees with the Examiner in that Moriarity '555 teaches a solar receiver-based power generation system with accomplishes its power generation through the use of heated air while the present invention specifies a system whereby steam is created

from the heated transfer fluid and is used for the power generation. Steam and air are vastly different in both their heat transfer properties and the mechanical requirements they impose in their use as a heat transfer medium. Therefore the Applicant feels strongly that there is no basis for the rejection of the previous claims 1-5 amended here to be claims 1-4.

The Examiner has indicated that claims 6 and 7 contain allowable subject matter if rewritten in independent form including all of the limitations of the base claim and intervening claims. With the aforementioned amendment of claim 1 to overcome the 35 U.S.C. 102(b) anticipation of Kraus '948, the Applicant feels that claims 6 and 7 are allowable as they are currently written. In addition, as suggested by the Examiner's objection to claims 6 and 7, a new claim 38 has been added which includes the features of the original claim 1 along with those of dependent claim 6. A new claim 39, dependent on claim 38, has been added which includes the features of claim 7 as dependent on new claim 38.

Finally, new independent claim 40 is added. Claim 40 includes the recitations of the original claim 1 along with those of dependent claim 3. Former dependent claim 3 recited the addition of a gear box between the steam engine and the electric generator, and was rejected solely on the reference to Moriarty. As noted above, however, Moriarty fails to teach the use of steam to drive a steam engine. Rather, Moriarty teaches the use of hot air that is exhausted to the ambient atmosphere after driving a turbine. As such, new claim 40 should be allowable.

In summary, claim 1 has been amended to include claim 5, and claim 5 has been cancelled. A new claim 38 has been added which includes the features of the original claim 1 along with those of allowable dependent claim 6, and new claim 39 has been added which includes the features of dependent claim 7, now dependent

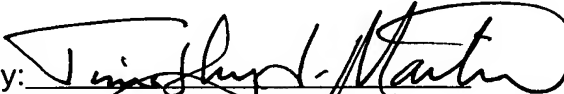
on new claim 38. A new claim 40 has been written which includes the recitations of the original claim 1 along with those of dependent claim 3.

No additional claims fees are believed to be payable upon the Amendment due to the withdrawn claims. However, the Commissioner is hereby authorized to charge any deficiency in the required fees, or to credit any overpayment, to deposit account number 13-1940.

Based on the foregoing, Applicant submit that the present application is in complete condition for allowance, and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, the Examiner is requested to contact the undersigned attorney for the Applicant at the telephone number listed below.

Respectfully submitted,

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **AMENDMENT (14 pages), REQUEST FOR A THREE-MONTH EXTENSION OF TIME (2 pages) AND CHECK NO. 5392 IN THE AMOUNT OF \$510.00** is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5<sup>th</sup> day of January, 2006.

  
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Marcie F. King